

TRINA A. HIGGINS, United States Attorney (#7349)  
MICHAEL KENNEDY, Assistant United States Attorney (#8759)  
Attorneys for the United States of America  
111 South Main Street, Suite 1800 • Salt Lake City, Utah 84111  
Telephone: (801) 524-5682 • Facsimile: (801) 524-3399  
email: michael.kennedy@usdoj.gov

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

UNITED STATES OF AMERICA,  Plaintiff,  vs.  ERIC NICHOLAS GAPCO,  Defendant.	Case No. 2:24-mj-00728 DBP  CRIMINAL COMPLAINT  49 U.S.C. § 46504 [Interference with a Flight Crew]  Chief Magistrate Judge Dustin B. Pead
--	---

Before a United States Magistrate Judge for the District of Utah, appeared  
the undersigned, who on oath deposes and says:

COUNT 1

49 U.S.C. § 46504  
(Interference with a Flight Crew)

On or about July 18, 2024, in the District of Utah and elsewhere,

ERIC NICHOLAS GAPCO,

the Defendant herein, in the special aircraft jurisdiction of the United States as defined in 49 U.S.C. § 46501(2), did assault and intimidate flight attendants and crew members of an aircraft, thereby interfering with the performance of the duties of the flight attendants and crew members and lessening the ability of the flight attendants and crew members to perform those duties, all in violation of and punishable under 49 U.S.C. § 46504.

\* \* \*

Complainant states that this complaint is based on information obtained through investigation consisting of the following:

I, Martin de la Cruz, being first duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July 8, 2018. I am currently assigned to the FBI Salt Lake City Field Office's Joint Terrorism Task Force where I investigate violations of federal law, international terrorism, and crimes aboard aircraft. I have received training and have participated in numerous investigations that involve preparation, presentation, and service of criminal complaints, arrest warrants, and search and seizure warrants. I have been involved in the investigation of numerous types of offenses against the United States, including crimes aboard aircraft.

2. The statements in this affidavit are based, in part, on an investigation conducted by myself and/or communicated to me by other law enforcement officers, other investigators with knowledge of this investigation, and witnesses who observed the incident. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included every fact known to me concerning this investigation. Rather, I have set forth facts sufficient to establish probable cause for the complaint.

3. On or about July 18, 2024, an aircraft arrived at Salt Lake City International Airport with reports of an unruly and abusive male passenger. The passenger, who was later identified as Eric Nicholas GAPCO, had to be restrained by flight attendants and passengers due to his actions.

4. American Airlines (AA) Flight #2101 originated from Seattle, Washington and was en route to Dallas, Texas. The flight diverted from its intended destination and landed at Salt Lake International Airport at approximately 11:00 pm.

5. Salt Lake City Police officers responded to arrival Gate B9. Flight crew and the flight captain advised responding officers that a passenger identified as Eric Nicholas GAPCO had been restrained by flight attendants assisted by other passengers after he failed to follow instructions from flight crew to remain in his

seat, used a vape pen on board in contradiction of crew instructions, locked himself in a lavatory for a time, screamed, and attempted to open the aircraft exterior doors (forward and aft) while the aircraft was in flight. GAPCO was restrained with flexible restraints to his hands and feet during the flight. The captain determined to divert the aircraft to Salt Lake City.

6. In my training and experience, AA Flight 2101 was an aircraft in flight in the Special Aircraft Jurisdiction of the United States as defined in 49 U.S.C. § 46501(2). GAPCO's actions on board the aircraft intimidated the flight crew and flight attendants, and they were unable to complete all duties they usually do. The flight had to be diverted to Salt Lake City from its intended destination of Dallas, Texas.

7. Based on the foregoing, I respectfully submit that there is probable cause to arrest Eric Nicholas GAPCO for the offense of Interference with a Flight Crew in the Special Aircraft Jurisdiction of the United States in violation of 49 U.S.C. § 46504.

**[ONLY SIGNATURE PAGE FOLLOWS]**

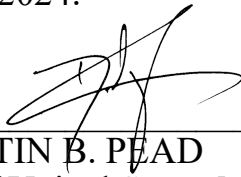
/s/ *Martin de la Cruz*

MARTÍN DELACRUZ

Special Agent

Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME this \_19th day of  
July, 2024.



DUSTIN B. PEAD

Chief United States Magistrate Judge



APPROVED:

TRINA A. HIGGINS

UNITED STATES ATTORNEY

/s/ *Michael Kennedy*

MICHAEL KENNEDY

Assistant United States Attorney